

REMARKS

The Office Action dated March 18, 2010 has been received and reviewed. This response, submitted along with a Petition for a One-Month Extension of Time and a Request for Continued Examination, is directed to that action.

Claims 1-5, 7, 9-10, 12, and 19-20 have been amended, and claims 25-27, 29, 33, 34 and 36 have been cancelled. Support for the amendments can be found on page 3, lines 7-16 of the specification, and in Figures 1 and 2. No new matter has been added.

The applicants respectfully request reconsideration in view of the foregoing remarks.

Claim Rejections- 35 U.S.C. §103

The Examiner rejected claims 1-5, 7, 9, 10, 12, 19, 20, 25-27, 29, 33, 34 and 36 under 35 U.S.C. §103(a) as obvious over Duffield et al. (WO 01/36290) and Waeschenbach et al. (WO 00/06688, as evidenced as US 6,800,598) and Chun et al. (US 5,133,892). The applicants respectfully traverse these rejections.

The presently claimed invention is directed to a combination comprising a bottle and a closure, the bottle having a neck terminating in a dispensing aperture. The closure is sealingly secured in the neck of the bottle, and comprises two abutting layers, a first hydrophobic layer and a second hydrophilic layer. The applicants submit that a person of ordinary skill in the art would not have been motivated to construct a combination according to the presently claimed invention based on the cited references.

Duffield is directed to a rigid, water-soluble container made of polyvinyl alcohol, wherein the containers are used to hold or deliver a composition. The rigid walls of the

PVOH container are water-soluble, which means they dissolve upon contact with water. Thus, the entire container dissolves upon contact. Notably, Duffield never teaches or suggests a combination of a bottle and closure, wherein the bottle comprises a neck terminating in a dispensing aperture and the closure is sealingly secured in the neck. Duffield's capsules or containers are clearly distinguished from the bottle of the presently claimed invention. In fact, a person of skill in the art would immediately recognize the vast and inherent differences between a water-soluble container or capsule of Duffield, and the presently claimed bottle and closure combination. Indeed, these differences are so far outside the scope of the level of ordinary skill in the art that it would not be obvious to modify Duffield to achieve the presently claimed invention, especially considering that neither Waschenbach nor Chun teach a bottle and closure combination. To the contrary, both Waschenbach and Chun are directed to detergent tablets, which a skilled artisan would not look to for motivation in creating a bottle with a closure.

Moreover, a skilled artisan would expect that hydrophilic and hydrophobic layer would be incompatible when layered and abutted against one another. Therefore, it was surprising that the manufacture of a bi-layer structure was even possible. However, it was even more surprising and unexpected that the presently claimed arrangement creates the strongest synergistic mutual supporting relationship. (See paragraphs [0039] through [0041]). This effect is neither taught nor suggested in the cited references, or in the knowledge of the skilled artisan. Accordingly, the applicants submit that the presently claimed invention exhibits unexpected and surprising results.

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Based on the foregoing reasons, the applicants respectfully submit that a *prima facie* case of obviousness cannot be established, and respectfully request that the Examiner withdraw this rejection.

The applicants believe the claims are now in condition for allowance, and such favorable action is respectfully requested. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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